

wish to deal with each of those, because they would probably be raised with respect to this amendment as well.

No. 1, you cannot ask somebody who is an illegal alien to identify himself or admit that he is here illegally when you are doing the census calculation. Well, it may surprise some people to know that the Census Bureau already asks for this information. It collects it on the ongoing American community survey. That is not as comprehensive as the entire census. If it were, we wouldn't need to do it here. But the Census Bureau already has a track record of asking this question without running into that particular difficulty. The information collected by the census is 100 percent confidential under penalty of law, and the census takers can make that clear to any individual who might be concerned about that. So that is not a major problem.

No. 2, people say, well, since the census data is used to determine funding levels for a variety of programs, and since the illegal aliens get involved in the funding, if you do this, you will be cutting funding for State programs that service the illegal aliens, and that is not fair. The reality is that this amendment, and my bill, do not cut funding. There is nothing in the bill that would say that funding formulas would change. This is an attempt to find out how many illegal aliens we have in this country and where they live—the statistical information, which we do not fully have now, as a result of the American community survey. We have a hint at it in the American community survey, but we are extrapolating for that and making a guess.

Since the census is a once-every-10-year attempt to discover what America is like, who the Americans are, and where they live, it seems to me very logical that the census should add this particular piece of information to it.

Well, after these two arguments have been made and dismissed, the third argument—and we get this most strongly from the people at the Census Bureau—is that it is too late, too bad; you should have brought it up earlier, Senator BENNETT, but we started to print our surveys already and we cannot reprint them; it is too late.

I wonder if they have ever thought of printing an extra sheet or extra card. You don't have to reprint the whole survey if you have one additional question you want answered. I have seen books where there have been errors in the book that have come out after the book is published with an errata sheet—that on page so-and-so this particular entry is not correct. It is not that big a deal for the Census Bureau to do some kind of addendum that could be printed and made available so we could solve this particular problem.

All right. Aside from knowing, what do we intend to do with this data if we get it? Senator VITTER made reference to this in his discussion of the amend-

ment. I want to use it today to deal with the question of the apportionment of the voting powers in the House of Representatives. If we go back in history, we find there was no more controversial issue in the writing of the Constitution than the question of representation in Congress. Small States wanted it by State. Large States wanted it by population. The great compromise came along that created this body and said that membership in the Senate would come by State, and membership in the House of Representatives would come by population. But it was left up to the State legislatures to determine how that population would be apportioned. Each State was given a number of representatives based on the population. But the State legislatures could determine where the lines were drawn and how the districts would be created. We had a situation develop over time where States would draw a line and simply leave it. People would move from one congressional district to the other, but the line would not be changed. There was a situation where there were many congressional districts whose representation, numerically, was substantially less than that of some other congressional districts in the same State.

This brought about a lawsuit that went before the U.S. Supreme Court. In the decision in the case of *Reynolds v. Symms*, issued in 1964, the Supreme Court gave us the one man, one vote rule, which said that the districts should be close enough in population that, in effect, every voter had the same weight of representation in the House of Representatives.

If we have this tremendous number of illegal aliens concentrated in a few States, we have an impact of changing the one man, one vote dictum of the Supreme Court; that is, a State with a large number of illegal immigrants will see to it that its voters have greater representation than voters where the illegal immigrants are not.

All we ask in this amendment and in the bill I proposed is that the Census Bureau be instructed to ignore the presence of illegal aliens when allocating the number of representatives in a State. As I say, it has nothing to do with the funding of programs, because the programs have to be funded where the people are, and we understand that. I believe it is entirely constitutional that the allocation of the congressional seats can be done on the basis of those who are here in a legal circumstance.

As the Senator from Louisiana has pointed out, this is not a trivial matter. There will be eight States that will lose representation to four States if this is not done. Four States' voters will be overrepresented in the House of Representatives because of the large population of illegal immigrants in those four States, and nine States will be underrepresented because of the fact that their voters do not happen to live in a State where there is a large population of illegal aliens.

I am happy to join my colleague from Louisiana in cosponsoring this amendment. I hope our colleagues in the Senate will see fit to support it.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, this is a new amendment for us. We had not anticipated that this amendment—that a debate on immigration and the value of one person over another was going to become a subject of discussion in an appropriations bill. We would hope this type of conversation would be taken up on comprehensive immigration. I know my colleague from Utah, who is on the Appropriations Committee—and both are important to me, that he is from Utah and that he is on the Appropriations Committee—has thought this through greatly. He raises some very important points. I have discussed this amendment with my leadership. I know they want to take a more careful look at this and also consult on its full ramifications.

We are now talking about questions being asked through the census and the objective to be accomplished for that, which the census was originally for counting people for tax purposes, ironically. This is an apportionment question. So what we would like to do is go into a quorum while we look at how we may proceed on this amendment.

Having said that, I want to reiterate the importance of the census being taken every 10 years. The census must be taken for the reasons that our colleague from Utah outlined. No. 1, it determines the use of Federal funds, and that is why we count persons, because regardless of your status, you are a user of services—in some instances, maybe even more than a user of services. The second thing is with apportionment. I think that is a delicate matter that the Senator from Utah is raising. This gets us into constitutional questions. I am apprehensive about it. Again, we are going to consult with the leadership.

Also, as we move forward on the issue of the census, we have to make sure we do have a head count. The Census Department itself, right now, is under very serious duress. They were late getting started on some of their issues. There has been an enormous technological boondoggle with the hand-held technology, the enumerator, with which I believe the Senator from Utah is familiar. We have been working with the previous administration, this administration, and the Secretary of Commerce to get the census straightened out. My colleague said: Why don't they just print one more piece of paper? One more piece of paper sounds